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EXTRAORDINARY

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HOUSE OF THE PEOPLE

The following Bill was introduced in the House of the People on 23rd December, 1953:—

BILL* No. 70 OF 1953

A Bill to provide for the continuance of certain proceedings pending under the Displaced Persons (Claims) Act, 1950, and for matters connected therewith.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Displaced Persons (Claims) Supplementary Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the 17th day of May, 1953;

(b) “claim” means—

(i) any claim registered under the principal Act and pending on the appointed day; or

(ii) any claim submitted to any authority under the principal Act by any person migrating to India from any tribal area and pending on the appointed day;

and includes any application filed on or before the 12th December, 1952 for setting aside an *ex parte* order of a Claims Officer

*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to the House of the People the consideration of the Bill.

passed under the principal Act and pending on the appointed day, if the application was not, on the date on which it was filed, barred by limitation under the rules made under the principal Act;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "principal Act" means the Displaced Persons (Claims) Act, 1950 (XLIV of 1950);

(e) "tribal areas" means the tribal areas of Tochi and Kurram and includes such other tribal areas adjoining the North West Frontier Province as may be specified in this behalf by an order of the Central Government;

(f) "verified claim" means any claim registered under the principal Act in respect of which a final order has been passed under that Act;

(g) all words and expressions used but not defined in this Act and defined in the principal Act shall have the meanings assigned to them in that Act.

3. Appointment of Chief Settlement Commissioner, etc.—(1) The Central Government may, by notification in the Official Gazette, appoint a Chief Settlement Commissioner, a Joint Chief Settlement Commissioner, a Deputy Chief Settlement Commissioner and as many Settlement Commissioners, Additional Settlement Commissioners and Settlement Officers as may be necessary for the purpose of performing functions assigned to them by or under this Act and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Act.

(2) Subject to the provisions of this Act, the Joint Chief Settlement Commissioner, the Deputy Chief Settlement Commissioner and all Settlement Commissioners, Additional Settlement Commissioners and Settlement Officers shall perform the functions assigned to them by or under this Act under the general superintendence and control of the Chief Settlement Commissioner.

4. Verification of claims.—(1) Subject to any rules that may be made under this Act, a Settlement Officer shall have jurisdiction to decide such claims or such classes of claims as may, by general or special order, be transferred to him by the Chief Settlement Commissioner.

(2) A Settlement Officer shall hold a summary inquiry into the cases transferred to him and, after taking such evidence and examining such documents, as he may consider necessary, pass such orders as he thinks fit in relation to the verification of the claim and the valuation of such claim.

(3) The decision of the Settlement Officer shall be final:

Provided that the Chief Settlement Commissioner may call for the record of any case which has been decided by the Settlement Officer and may make such order in the case as he thinks fit and no order varying the decision of the Settlement Officer shall be made which prejudicially affects any person without giving him an opportunity of being heard.

5. Special power of revision in respect of cases decided under Act XLIV of 1950.—(1) Notwithstanding anything contained in the principal Act, the Chief Settlement Commissioner—

(a) may, on an application for revision made to him within time by any person aggrieved by the decision of the Claims Officer, call for the record of the case and make such order in the case as he thinks fit.

Explanation.—For the purposes of this clause, an application for revision shall be deemed to be or to have been made within time, if—

(i) such application was not barred by limitation on the appointed day under the rules made under the principal Act and is filed within one month from the commencement of this Act; or

(ii) such application has been filed before the appointed day and was not, on the date on which it was filed, barred by limitation under the rules made under the principal Act;

(b) may, on his own motion, but subject to any rules that may be made in this behalf, revise any verified claim and make such order in relation thereto as he thinks fit.

(2) No order varying the decision of the Claims Officer or revising any verified claim shall be made which prejudicially affects any person without giving the person concerned an opportunity of being heard.

6. Powers of Settlement Officers.—(1) The Chief Settlement Commissioner, the Joint or Deputy Chief Settlement Commissioner or a Settlement Commissioner, an Additional Settlement Commissioner or a Settlement Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) requisitioning any public record from any Court or office;

(d) issuing commissions for the examination of witnesses;

(e) appointing guardians or next friends of a person who is a minor or of unsound mind;

(f) any other matter which may be prescribed.

(2) A settlement Officer may, if he so thinks fit, and shall, if so required by the Chief Settlement Commissioner, appoint one or more persons as assessors to advise him in any proceeding before him.

7. Power to transfer cases.—The Central Government or the Chief Settlement Commissioner may, by order in writing, at any stage transfer any case pending before a Settlement Officer to another Settlement Officer and the Settlement Officer to whom the case is so transferred, may, subject to any special directions in the order of transfer, proceed from the stage at which it was transferred.

8. Certain officers to be public servants.—The Chief Settlement Commissioner, the Joint or Deputy Chief Settlement Commissioner and all Settlement Commissioners, Additional Settlement Commissioners and Settlement Officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

9. Bar of jurisdiction of Civil Court.—No Civil Court shall have jurisdiction in respect of any matter which the Chief Settlement Commissioner or the Settlement Officer is empowered by or under this Act to determine, and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

10. Delegation of powers.—(1) The Central Government may, by general or special order, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chief Settlement Commissioner.

(2) Subject to the provisions of this Act and the rules made thereunder, the Chief Settlement Commissioner may delegate all or any of his powers under this Act to the Joint or Deputy Chief Settlement Commissioner or any Settlement Commissioner or Additional Settlement Commissioner as may be specified by the Chief Settlement Commissioner.

11. Validation of certain proceedings.—All proceedings held or decisions made in relation to the verification of any claim or the valuation of such claim of any person who has migrated to India from any tribal area purporting to have been held or made under the principal Act shall, notwithstanding anything therein contained, be

deemed for all purposes to have been validly made under the principal Act as if that Act were applicable to such persons as it applied to displaced persons from West Pakistan.

12. Power to make rules.—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

For the registration and verification of claims of displaced persons in respect of immovable property in West Pakistan, the Displaced Persons (Claims) Act, 1950, was enacted. On the expiry of the Act on the 17th May, 1953, a small number of claims and some revision petitions were left undisposed of. The Bill enables disposal of such pending work, and also makes some incidental provisions regarding revision of orders already passed or which may be passed under the new law.

2. A few hundred claims for immovable property left by persons who migrated from Tochi, Kurram and certain other tribal areas adjoining the North West Frontier Province of Pakistan, not admissible under the expired Act, were nevertheless verified as if the provisions of the Act applied, as these persons migrated in the same circumstances as those from the provinces of West Pakistan. The Bill validates such verification and enables verification of any such claims which may have remained unverified.

AJIT PRASAD JAIN.

NEW DELHI;

The 19th December, 1953.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of Chief Settlement Commissioner, Settlement Commissioners, Settlement Officers etc., for discharging the duties imposed by or under the Bill. A few out of the Claims Officers and Claims Commissioners appointed under the expired Act were retained for departmental scrutiny of cases and their attestation, and will be now utilised for disposal of work under the new Bill. An expenditure of about Rs. 2,00,000/- will be incurred on such officers and the ancillary staff during the remaining months of the current financial year, and will be met out of the budget of the Ministry of Rehabilitation under Demand No. 86 for Expenditure on Displaced Persons under Sub-head "B. Attached and Subordinate Offices", as already voted by the Parliament.

M. N. KAUL,
Secretary.

